

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

FILED  
IN CLERK'S OFFICE

UNITED STATES OF AMERICA,  
Plaintiff,

v.

ONE PAINTING/PASTEL TITLED "LA,  
COIFFURE" BY EDGAR DEGAS,  
Defendant.

2004 JUN 25 P 2:27

U.S. DISTRICT COURT  
DISTRICT OF MASS.  
Civil Action No. 04-10627-RCL

**AFFIDAVIT IN SUPPORT OF APPLICATION  
FOR ENTRY OF DEFAULT**

I, Shelby D. Wright, state under oath as follows:

1. I am an Assistant United States Attorney. I represent the plaintiff, the United States of America, in this case. This is an action in rem for forfeiture of the defendant Degas, more particularly described as: one painting/pastel titled "La Coiffure" by Edgar Degas (the "Defendant Degas"). Accordingly, this action is governed by the procedures set forth in the Federal Rules of Civil Procedure and in Rule C of the Supplemental Rules for Certain Admiralty and Maritime Claims.
2. The Defendant Degas, which was seized on or about May 31, 2001, in Boston, Massachusetts, is subject to forfeiture to the United States pursuant to 18 U.S.C. § 981(a)(1)(A), as it constitutes property, real or personal, involved in a money laundering conspiracy, in violation of 18 U.S.C. § 1956(h).
3. The Complaint for Forfeiture in Rem was filed on March 31, 2004.
4. This Court issued a Warrant and Monition on April 8, 2004, directing the United States Customs Service to give notice

to all persons concerned that a Complaint in Rem had been filed, and to arrest and retain the Defendant Degas in its custody.

5. Publication of the Complaint and Monition was made in the Boston Herald newspaper on May 6, 2004, May 13, 2004, and May 20, 2004. A copy of the process receipt and return for publication, executed by the United States Customs Service, is attached as Exhibit A.

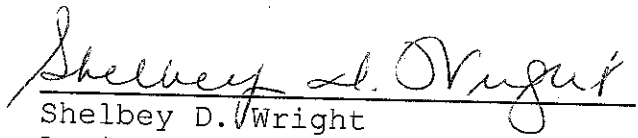
6. Arnold Katzen was served with a certified copy of the Complaint and Monition by certified mail at his address: 115 East 89<sup>th</sup> Street, Apt. 5B, New York, NY 10128, and via his attorney, William Kettlewell, Esquire, Dwyer & Collora, 600 Atlantic Avenue, Boston, Massachusetts 02110. Copies of the receipts and returns for service are attached as Exhibits B and C. Mr. Katzen did not file either a verified claim or answer to the Complaint.

7. Under Supplemental Rule (C)(6), any person asserting an interest in the Defendant Degas is required to file a claim within thirty (30) days after process has been executed and an answer within twenty (20) days after the filing of the claim.

8. To date, no claims to the Defendant Degas or answers to the Complaint have been filed and the time for filing such claims and answers has expired.

9. To the best of my knowledge, and upon information and belief, neither Arnold Katzen, nor anyone else with an interest in the Defendant Degas is in the military service of the United States, is an infant, or is incompetent.<sup>1</sup>

Signed under the pains and penalties of perjury this 25th day of June, 2004.

  
Shelbey D. Wright  
Assistant U.S. Attorney

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<sup>1</sup>In order to determine Arnold Katzen's military status, the United States searched the Department of Defense Manpower Data Center using Arnold Katzen's name and Social Security Number.